



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

SEP 28 2016

VIA E-MAIL

Michael G. Anderson, President  
Glenn Springs Holding, Inc.  
5005 LBJ Freeway  
Dallas, Texas 75244

Re: Diamond Alkali Superfund Site Operable Unit 2/Lower 8.3 Miles of the  
Lower Passaic River Remedial Design

Dear Mr. Anderson:

Enclosed please find Administrative Settlement Agreement and Order on Consent for Remedial Design, CERCLA Docket No. 02-2016-2021 ("Settlement Agreement") for Occidental Chemical Corporation ("OCC") to execute and return to the U.S. Environmental Protection Agency ("EPA"), Region 2 by no later than close of business Thursday, September 29, 2016. We understand that you will execute this Settlement Agreement on behalf of OCC.

Consistent with the EPA's discussions with OCC, as long as OCC is performing the remedial design in full compliance with the Settlement Agreement, it is EPA's intention that 50% of any cash amounts recovered by EPA in bankruptcy or other cash-out settlements concerning Operable Unit 2 of the Diamond Alkali Superfund Site would be applied against Future Response Costs as that term is defined in the Settlement Agreement. This arises with respect to any bankruptcy or other cash-out settlement payments received by EPA after the Effective Date of the Settlement Agreement, and up to and including the time that EPA issues the final bill for Future Response Costs under the Settlement Agreement. The cash amount to be applied against Future Response Costs could not exceed 50% of the amount billable as Future Response Costs in each billing cycle. If the cash amount were to exceed 50% of the billable amount in a billing cycle, the excess amount would be carried over and applied towards Future Response Costs in the next billing cycle subject to the restriction noted above, i.e., the amount applied against any bill, including the final bill, could not exceed 50% of the billable amount.

Future Response Costs incurred by EPA as a result of Work Takeover (see Paragraphs 67, 82 and 116 of the Settlement Agreement) are not subject to any reduction as a result of the cash-out settlements.

Finally, with respect to de micromis settlements, in general, EPA is not likely to consider such settlements suitable for entities that arranged for disposal of dioxin, polychlorinated biphenyls or mercury into the lower 8.3 miles of the Lower Passaic River.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicoletta DiForte". The signature is fluid and cursive, with the first name "Nicoletta" written in a larger, more prominent script than the last name "DiForte".

Nicoletta DiForte,  
Deputy Director for Enforcement  
Emergency and Remedial Response Division

Cc: Frank A. Parigi, Esq., Glenn Springs Holdings, Inc.  
Larry Silver, Partner, Langsam Stevens Silver & Hollaender